THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26783 OF 2005

DATED:15.12.2005

Between:

K. Anjaneyulu

…Petitioner

And

The Chief Commissioner of Land Administration,

Andhra Pradesh, Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26783 OF 2005

ORDER:

The land admeasuring Acs.4.94 in S.No.632/2 of Kollabailu Village was assigned to one K.Venkatrayudu of B.K.Palle Village by the then Tahsildar, Madanapalle, by proceedings dt.11.4.1957. In the year 1987, his wife and two children, including the petitioner herein, executed un-registered gift deed dt.19.4.1987 in favour of one J.Venkata Ramana, who is son-in-law of K.Venkatrayudu. Subsequently, the son-in-law transferred the land by way of sale consideration of Rs.1,00,000/- to one N.Reddeppa Naidu. Therefore, the Mandal Revenue Officer initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act) and ordered resumption of the land to the Government under Section 4 of the Act. Aggrieved by the same, the petitioner and his mother preferred an appeal

before the Revenue Divisional Officer, who by order dt.14.7.1999 confirmed the orders of the Mandal Revenue Officer. The petitioner was also unsuccessful before the revenue divisional authority under Section 4-B of the Act. Therefore, assailing the order of the second respondent, confirming the orders passed by third respondent and fourth respondent, present Writ Petition is filed.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment).

It is no doubt true that as per the provisions of the Act, when there is a transfer of assigned land, it is incumbent on the part of the Mandal Revenue Officer to restore the assigned land to the original assignees or their legal heirs. As submitted by the learned Assistant Government Pleader, when the assigned land was sold by the original assignee or subsequent transferee, it is only within the discretion of the Mandal Revenue Officer whether or not to restore possession to the original assignee. Further, as submitted by the learned Assistant Government Pleader, the land was already handed over to Housing Department under Urban Housing Scheme and the land is found to be suitable for construction of houses. In this background, this Court does not find any infirmity in the impugned order warranting interference exercising discretion under Article 226 of the Constitution of India.

The Writ Petition for the above reasons is accordingly dismissed.

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(V.V.S.RAO, J)

15.12.2005

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